

October 28, 2004

ENERGY & ENVIRONMENT  
COMMITTEE  
REPORT NO. 14

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.

- |    |   |      |       |                |
|----|---|------|-------|----------------|
|    | Item  | Page | -2004 | (Comm. 22E-30) |
| a. | <b>COUNTY EXECUTIVE:</b> DEP – Donald J. Braasch Construction – ECSD No. 1 – Union Road Pumping Station & Forcemain Project – General/Mechanical Dispensation of Hrs. (5-0) |      |       |                |
|    | Item  | Page | -2004 | (Comm. 22E-32) |
| b. | <b>COUNTY EXECUTIVE:</b> DEP – ECSD No. 2 – Engineering Service Agreements – Stearns & Wheler. (5-0)  |      |       |                |
|    | Item  | Page | -2004 | (Comm. 22E-33) |
| c. | <b>COUNTY EXECUTIVE:</b> DEP – ECSD No. 6 – Bethlehem Park Rehabilitation Phase I – Change Order No. 3 – C. Destro Development Company. (5-0)                               |      |       |                |
|    | Item  | Page | -2004 | (Comm. 22E-34) |
| d. | <b>COUNTY EXECUTIVE:</b> DEP – ECSD No. 1 – Engineering Agreement Dated 2/3/00 – Greenman Pedersen – Change Order No. 3. (5-0)  |      |       |                |
|    | Item  | Page | -2004 | (Comm. 22M-3)  |
| e. | <b>TOWN OF ELMA:</b> Certified Resolution Supporting Proposed State Legislation (S.6949/A.10053). (5-0)   |      |       |                |

			<b>AS AMENDED</b>
2a.	Item	Page	-2003 (Comm. 20E-41)
	<b>COUNTY EXECUTIVE</b>		
	RESOLUTION NO. _____, 2004		

RESOLUTION DATED \_\_\_\_\_, 2004.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ERIE COUNTY-SOUTHTOWNS SEWAGE TREATMENT AGENCY IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) \_\_\_\_\_ 2004.  
(Adopted) \_\_\_\_\_, 2004

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No.3 of the County of Erie, New York, has heretofore been established and created on April 9, 1963 (the "District") to provide sewer services to the Village of Orchard Park, the north and central portions of the Town of Orchard Park, the northeast portion of the Town of Hamburg and the southerly portion of the Town of West Seneca, and

WHEREAS, the Erie County-Southtowns Sewage Treatment Agency (the "Southtowns Agency") has heretofore been created pursuant to an inter-municipal agreement dated December 30, 1974, as amended, (the "Southtowns Agreement") for the purpose of establishment, construction, operation, and maintenance of the Southtowns Advanced Wastewater Treatment Facility (the "Southtowns Treatment Facility") for the benefit of Erie County Sewer District No.3, the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4,8, and 11 of the Town of Hamburg, Wanakah Sewer District No.3, Mount Vernon Sewer, District No.2, and the Village of Hamburg; and

WHEREAS, pursuant to the Southtowns Agreement the County, acting for and on behalf of Erie County Sewer District No.3, was responsible for financing the total project costs for the Southtowns Treatment Facility; and

WHEREAS, in accordance with its responsibilities to maintain the Southtowns Treatment Facility pursuant to the Southtowns Agreement, the Southtowns Agency has duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of Managers of the Southtowns Sewer Treatment Agency on April 29, 2004 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District(Southtowns Sewage Treatment Agency), consisting of the reconstruction and/or rehabilitation of approximately 20,000 feet of sanitary sewer and the upgrading of sewage pumping stations, as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$9,000,000, to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No.3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10,5,4,8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No.3, (iv) Mount Vernon Sewer District No.2, and (v) the Village of Hamburg; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the construction of said increase and improvement of facilities of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller; and

WHEREAS, it is now desired to call a public hearing to consider said increase and improvement in accordance with the provisions of Section 254 of the County Law; NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 16<sup>th</sup> day of December, 2004, at 1:30 o'clock P. M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposed increase and improvement of facilities of Erie County Sewer District No.3 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

#### NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on the 16th day of December, 2004, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed increase and improvement of facilities of the Southtowns Advanced Wastewater Treatment Facility in said County.

The increase and improvement of such facilities consisting of the reconstruction and/or rehabilitation of approximately 20,000 feet of sanitary sewer and the upgrading of sewage pumping stations, as more fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Board of Managers of the Southtowns Sewer Management Agency on April 29, 2004 (the "Report").

The maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$9,000,000, to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No.3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10,5,4,8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No.3, (iv) Mount Vernon Sewer District No.2, and (v) the Village of Hamburg; each in accordance with their respective proportionate shares of equivalent dwelling wiits in their service areas, as determined pursuant to the Southtowns Agreement.

The expenditures for such additional increase and improvement of facilities will not cause additional costs for property owners in the District for hook-up fees, and the annual cost of such expenditures to the Typical Property (as defined in the County Law) is \$10.72. The County Legislature has heretofore caused to be prepared and filed for public inspection with the Clerk of the Erie County Legislature, a detailed explanation of how such costs were computed, as incorporated in said report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning).

Dated: Buffalo, New York,  
 \_\_\_\_\_, 2004.

BY ORDER OF THE COUNTY  
 LEGISLATURE OF THE COUNTY OF  
 ERIE, NEW YORK

By

\_\_\_\_\_  
 Clerk, County Legislature

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in the " The Front Page" and in the " Hamburg Sun ", the official newspapers of said County, not less than ten nor more than twenty days before the date set herein for said public hearing. The Clerk is hereby further authorized and directed to file a certified copy of the Notice of Public Hearing with the Comptroller of the State of New York on or about the date of the publication of the Notice of Public Hearing.

Section 4. This resolution shall take effect immediately.  
 (5-0)

2b. Item Page -2003 **AS AMENDED**  
 (Comm. 20E-41)  
**COUNTY EXECUTIVE**  
 RESOLUTION NO. \_\_\_\_\_, 2004

RESOLUTION DATED \_\_\_\_\_, 2004.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED EXTENSION OF THE ERIE COUNTY SEWER DISTRICT NO.3 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) \_\_\_\_\_, 2004  
 (Adopted) \_\_\_\_\_, 2004

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency dated September 15, 2004 and a resolution of the Erie County Sewer District No.3 Board of Managers dated September 15, 2004, an extension of Sewer District No. 3 of the County of Erie, New York has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the Erie County Sewer District No.3, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, there will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No.3 with respect to the extension of the boundaries of such District and the acquisition of existing sanitary sewer facilities, in accordance with applicable flat charges and charges based on units, assessed value and footage, specified in the District's benefit assessment formula and rates, as such formulas currently exist and as amended from time to time; and

WHEREAS, hook up fees are \$200 per home for a lateral hook-up, \$200 per home for inspections associated with subdivisions and a \$2 permit fee at the time of connection; and

WHEREAS, pursuant to Section 258 of the County Law, the consent of the State Comptroller is not required prior to the extension of said Erie County Sewer District No.3 because such extension is not to be financed by the issuance of bonds, notes, certificates or other evidences of indebtedness of the County; and

WHEREAS, it is now desired to call a public hearing to consider said extension of the Erie County Sewer District No.3 in accordance with the provisions of Sections 254 and 274 of the County Law;

NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street 4th Floor. in Buffalo, New York, in said County, on the 16<sup>th</sup> day of December, 2004, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposal to extend the Erie County Sewer District No.3 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

#### NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street 4th Floor. in Buffalo, New York, in said County, on the 16<sup>th</sup> day of December, 2004, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed extension of the Erie County Sewer District No.3 in said County.

The extension of said Erie City Sewer District No.3 shall be substantially in conformity with and pursuant to a report of the Erie County Sewer Agency dated September 15, 2004 and a resolution of the Erie County Sewer District No.3 Board of Managers dated September 15, 2004, heretofore filed with the Board of Managers of Erie County Sewer District No.3.

The proposed extension of the Erie County Sewer District No.3 shall comprise the area described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York, being in parts of Lots Nos. 50 and 51, Township 9, Range 7, and Lots Nos. 2, 3, 10, 11, 12, 19 and 20, Township 9, Range 8 of the Holland Land Company's Survey, more particularly bounded and described as follows:

BEGINNING at a point on the north line of Lot No. 3, Township 9, Range 8 of the Holland Land Company's Survey, sixteen hundred twenty-one (1621) feet west from the west line of South Park Avenue and on the east line of the former Hamburg Railway right-of-way; thence southerly along said east line of right-of-way, fourteen hundred sixty-eight and twenty- three hundredths (1468.23)'feet to the center of North Street; thence westerly seventeen hundred eighty-six and thirty-four hundredths (786.34) feet, on a line parallel with and one hundred fifty (150) feet north of the north line of Norwood Avenue and said line extended easterly, to the center of Camp Road, formerly known as Lake Street, at its intersection with the southerly line of land formerly owned by Russell Harrington which line is the northerly line of the Village of Hamburg, which said line is also the north line of Hamburg Addition; thence northeasterly along the center of said street, one hundred fifty (150) feet; thence westerly parallel with the north line of said village, one hundred thirteen and eighty-nine hundredths (113.89) feet to easterly line of land of Erie Railroad; thence southwesterly along said southeasterly line of railroad, three hundred seventy-one and seven tenths (371.7) feet; thence westerly, on a line about two hundred sixty ( 2 6 0 ) feet north of the north line of Church Street, seven hundred ninety-six and two tenths (796.2) feet; thence southwesterly, at an angle of thirty-five degrees three minutes (35 03 , ) , from west to south, to the east line of premises conveyed to Lee by Deed recorded in the Erie County Clerk's Office in Liber 6679 of Deeds at page 297; thence northerly along the east line of Subdivision Lot No.1 as shown on a map filed in the Erie County Clerk's Office under Cover No. 2126 of Maps, a distance of twenty-five (25) feet to the northeast corner of said Subdivision Lot No.1; thence continuing northerly along the east line of said subdivision shown on a map filed in the Erie County Clerk's Office under Cover No. 2126 of Maps, and along the east line of premises conveyed to Chester J. Hosjan by Deed recorded in the Erie County Clerk's Office in Liber 7413 of Deeds at page 55, and along the east line of premises conveyed to Hamburg Congress of Jehovah's Witnesses, a total distance of one thousand eight hundred forty- five (1845) feet to a point on the north line of said Lot No. 11; thence easterly along the north line of said Lot No. 11 a distance of one thousand eighty and twenty-four hundredths (1080.24) feet to the southeast corner of Subdivision Lot No. 113 as shown on a map filed in the Erie County Clerk's Office under Cover No. 1401 of Maps; thence northerly along the east line of said Subdivision Lot No. 113 and said east line extended northerly along the east line of Subdivision Lot No. 25 and said east line extended northerly along the east line of Subdivision Lot No. 213 and said east line extended northerly, along the east line Subdivision Lot No. 208 and said east line extended northerly to a point on the north line of Subdivision Lot No. 202, all as shown on said map filed in the Erie County Clerk's Office under Cover No. 1401 of Maps; thence easterly along the north line of said Subdivision Lot No. 202 and said north line extended easterly along the north line of Subdivision Lots Nos. 180 and 179 and the north line of said Subdivision Lot No. 179 extended easterly and the north line of Subdivision Lot No. 146 and the north line of said Subdivision Lot No. 146 extended easterly to a point on the southwest line of Camp Road, State Highway No.1 067; thence northwesterly along the southwest line of Camp Road, State Highway No. 1067, to the south-line of premises conveyed to James B. McCloskey by Deed recorded in the Erie County Clerk's Office in Liber 2351 of Deeds at page 498; thence westerly along said south line of premises conveyed to McCloskey to the southwest corner of premises conveyed to Camp Road, Inc. by Deed recorded in the Erie County Clerk's Office in Liber 6155 of Deeds at page 484; thence north six degrees thirty-seven minutes seventeen seconds (6 37'17") west a distance of four hundred twenty-three and seven tenths (423.7) feet to a point; thence north thirty-six degrees thirty-eight minutes eighteen seconds (36 38'18") east a distance of one hundred sixty (160) feet to a point on the

southwest line of Camp Road where said line is intersected by the northwest line of premises conveyed to Borst by Deed recorded in the Erie County Clerk's Office in Liber 6031 of Deeds at page 402; thence northwesterly along the southwest line of said Camp Road to a point on the existing line of the Village of Hamburg established March 28, 1966 at the intersection with the west line of Sunset Drive extended northerly; thence continued northwesterly along said southwesterly line of the Athol Springs-Hamburg State Highway No. 1067, County of Erie, six hundred eighty-three and eighty-five hundredths (683.85) feet to the extension northeasterly of the northerly line of lands conveyed to William Reith by Deed recorded in the Erie County Clerk's Office in Liber 3411 of Deeds at page 164 on July 22, 1943; thence southwesterly along said extended northerly line and said northerly line of Reith as aforesaid, which line is the southerly line of lands of Edward Pauly, a total distance of sixty-six and twenty-two hundredths (66.22) feet to a point on the southwest line of Camp Road, said point being three hundred seventy-five and ninety hundredths (375.90) feet southeast of the southerly line of the New York State Thruway, thence northwest along the southwest line of Camp Road twenty-seven and eighty-five hundredths (27.85) feet to the south line of the Niagara Mohawk Power Corporation, thence south sixty-two degrees six minutes fifty-nine seconds (62°06'59") west along the said south line of the Niagara Mohawk Power Corporation a distance one thousand nine hundred sixty-nine and seventy-six hundredths (1,969.76) feet to a point, thence north eighty-nine degrees forty-three minutes fifty-six seconds (89°43'56") west a distance five hundred forty-eight and ninety-nine hundredths (548.99) feet to the southeasterly line of the New York State Thruway; thence southwesterly along the southeasterly line of the New York State Thruway, fourteen hundred and eighty-seven hundredths (1400.87) feet to the westerly line of lands conveyed to Parkway Investors, Inc. by Deed. recorded in the Erie County Clerk's Office on June 25, 1957 in Liber 6181 of Deeds at page 431; thence southerly along said Parkway Investors, Inc. west line, seventeen hundred forty-one (1741) feet to an angle point in said westerly line; thence continuing southwesterly along the westerly line of lands conveyed to Parkway Investors, Inc. by Deed recorded in the Erie County Clerk's Office on June 25, 1957 in Liber 6181 of Deeds at page 431, one hundred seventy-one and forty-three hundredths (171.43) feet to a point in the center line of the Cooper Ridge Road, running thence southeasterly along the center line of Cooper Ridge Road; thirty-nine and fifty-nine (39.59) feet to an angle in said center line; running thence southeasterly and continuing along said center line; two hundred twenty-nine and eleven hundredths (229.11) feet to an angle in said center line, running thence southeasterly and continuing along said center line, seventy-four and ninety-one hundredths (74.91) feet to a point, running thence northeasterly, one thousand nineteen and fifty-three hundredths (1,019.53) feet to a point in the east line of Lot No. 20 distant three hundred twelve and twenty hundredths (312.20) feet northerly from the southeast corner of Lot No. 20; thence south on the east line of Lot No. 20, three hundred twelve and twenty hundredths (312.20) feet to the southeast corner of Lot No. 20 (the southwest corner of Lot No. 12); thence easterly along the south line of Lot No. 12, seven hundred ten and eighty-two hundredths (710.82) feet to a point, said point being the northwest corner of lands conveyed to Bertha Breuss and one by Deed recorded in the Erie County Clerk's Office in Liber 4870 of Deeds at page 175, thence southerly along the east line of lands conveyed to Breuss, as aforesaid, one thousand seventy three and twenty-two hundredths (1,073.22) feet to a point; thence easterly and parallel with the north line of Lot No. 11, four hundred four and two tenths, (404.2) feet to the westerly line of lands conveyed to Eugene J. Fox and wife by Deed recorded in the Erie County Clerk's Office in Liber 3519 of Deeds at page 40; thence southerly along the west line of lands conveyed to Eugene J. Fox as aforesaid, six hundred thirty-six and sixty-eight hundredths (636.68) feet to a point on the centerline of Cooper Ridge Road also known as Pleasant Avenue; thence easterly along the aforementioned center line ninety-four (94) feet; thence northerly on a line parallel with the west line of lands conveyed to Albert Straight by Deed recorded May 29, 1950 in the Erie County Clerk's Office in Liber 4715 of Deeds at page 297, two hundred fifty (250) feet; thence east and parallel with the center line of Pleasant Avenue eighty-five (85) feet to a point in the west line of lands conveyed to Albert Straight by

Deed aforesaid; thence north and along the west line of lands conveyed to Albert Straight by Deed aforesaid, one thousand sixteen and two tenths (1016.2) feet, thence easterly one hundred seven and fifty-one hundredths (107.51) feet to a point; thence north four hundred fifty (450) feet to a point on the south line of Lot No. 12, said point being eight hundred ninety-three and eighty-nine hundredths (893.89) feet west of the northwest corner of lands conveyed to Russell Trippi by Deed recorded in the Erie County Clerk's Office on September 1, 1950, in Liber 4778 of Deeds at page 421; thence easterly along the south line of Lot No. 12, eight hundred ninety-three and eighty-nine hundredths (893.89) feet to the northwest corner of lands conveyed to Russell Trippi by Deed as aforesaid; thence southerly parallel to the east line of Lot No. 11, eighteen hundred twenty-three and sixteen hundredths (1823.16) feet to the center line of Cooper Ridge Road, also known as Pleasant Avenue, running thence northwesterly along the center line of Pleasant Avenue, thirty and ninety-one hundredths (30.91) feet to the extension northerly of the easterly line of Lenora Drive; running thence southerly along the extension northerly of the easterly line of Lenora Drive twenty-six and twenty-seven hundredths (26.27) feet to the southerly line of Pleasant Avenue; running westerly along the southerly line of Pleasant Avenue a distance of sixty (60) feet to the westerly line of Lenora Drive; running thence northerly along the extension northerly of the westerly line of Lenora Drive, twenty-six and twenty-seven hundredths (26.27) feet to the center line of Pleasant Avenue; running thence northwesterly along the center line of Pleasant Avenue, one hundred ten and sixteen hundredths (110.16) feet to the extension northerly of the westerly line of Subdivision Lot No.1, Cover No. 1858; running thence southerly along the said westerly line of Subdivision Lot No.1 as extended and the said westerly line of Subdivision Lot No.1, two hundred twelve and twelve hundredths (212.12) feet to the northerly line of Subdivision Lot No.2, Cover No. 1858; running thence westerly along the said northerly line of Subdivision Lot No.2, Cover No. 1858, one hundred (100) feet to the west line of Uebelhack; thence southerly along the westerly line of Uebelhack a distance of one thousand four hundred thirteen and eighty-six hundredths (1413.86) feet to the northerly line of Westview Avenue fifty (50) feet wide as shown under Cover No. 1858, extended westerly to the intersect said westerly line of lands conveyed to Uebelhack and his wife by Deed recorded in the Erie County Clerk's Office in Liber 1595, of Deeds at page 470; thence easterly along said northerly line of Westview Avenue as extended westerly three hundred five and four hundredths (305.04) feet to the easterly line of Lenora Drive; thence northerly along the easterly line of Lenora Drive a distance of one hundred twenty-six and eight tenths (126.8) feet; thence easterly at an angle with the last described line measured from the north to the east of ninety degrees, forty-eight minutes (90 48') a distance of three hundred forty-eight and fifty-two hundredths (348.52) feet to the west line of Milford Street; thence south along the west line of Milford Street, one hundred twenty-six and fifty-five hundredths (126.55) feet to the north line of Westview Avenue; thence east sixty (60) feet to the east line of Milford Street; thence north along the east line of Milford Street, one hundred twenty-six and five tenths (126.5) feet; thence east along the north line of Westview Subdivision and the present Village line, approximately six hundred seventy-seven (677) feet, to the Village line established in May 1874; thence south along said line about eleven hundred twenty-three (1123) feet to the easterly line of the Erie Railroad; thence southwest along the southeasterly line of said railroad, approximately twenty-one hundred eighty-seven (2187) feet, to the southwest line of property formerly owned by John C. Trefts; thence southeasterly, by various courses approximately nine hundred ninety-six (996) feet, to the center of Pierce Avenue; thence northeasterly along the center of Pierce Avenue, thirty-eight (38) feet to the northwest corner of Edward Renschler's property; thence southeasterly along said Renschler's northeasterly line and part of the southwest line of Rosedale Avenue, and said line extended six hundred sixty-three (663) feet to the north line of Henry J. Turner; thence east along Turner's north line about seven hundred eighty (780) feet to Eighteen Mile Creek; thence northeasterly up Eighteen Mile Creek approximately twenty-one hundred fifty-eight (2158) feet to the original south line of the Village; thence east along said south line about thirty-nine hundred twenty-two (3922) feet to the original east line of the Village;



thence north along said east line approximately one thousand eight hundred fifty-seven and three tenths (1857.3) feet, to the northwest line of Newton Road; thence northeasterly along said northwesterly line of Newton Road approximately ninety-five and eighty-six hundredths (95.86) feet, to the southwest corner of subplot 97 as shown on a subdivision map of Grandview addition filed under Map Cover No. 1243; thence northerly along the west line of said subplot 97 two hundred six and sixty hundredths (206.60) feet to the south line of subplot 99, Cover 1243; thence continuing northerly along the west line extended of said subplot 97 twenty-five (25) feet; thence easterly at right angles approximately forty-eight and eighty hundredths (48.80) feet to the northerly extension of the east line of said subplot 97; thence northerly along said east line extended of said subplot 97 approximately seventy-four and ninety hundredths (74.90) feet to the southwesterly line of the right-of-way formerly owned by the Buffalo and Susquehanna Railway Company, thence southeasterly along said right-of-way line to the southwest corner of lands conveyed by Adalrne B. Higgins, formerly Adaline Ovenburg, to Lillian H. Greanoff by Deed recorded in the Erie County Clerk's Office in Liber 5200 of Deeds at page 551; thence running northerly along the westerly line of said lands conveyed by Adaline B. Higgins, a distance of sixty-six (66) feet to the northeasterly line of said Buffalo and Susquehanna Railway Company; thence southeasterly along the said Railway Company's northeasterly line, being also the southwesterly line of lands known as subplot 38 and Newton Place as shown on Cover Map No. 1392 filed in the Erie County Clerk's Office, to its intersection with the northwesterly line of Newton Road; thence northeasterly along the said northwesterly line of Newton Road to the northeast line of said Newton Place; thence northwesterly along the northeasterly line of Newton Place, being also the southwesterly line of sublots 43 and 44 as shown on said Cover Map No. 1392 to the southwest corner of said subplot No. 43; thence northerly along the west line of said subplot 43, a distance of one hundred eighty-eight and eighteen hundredths (188.18) feet to a point on the south line of Lot No. 51, Township 9, Range 7; thence easterly along said south line of Lot 51 a distance of approximately five hundred fourteen and four tenths (514.4) feet; thence north, parallel with and two hundred forty-two (242) feet west from the center of McKinley Parkway; two hundred eight (208) feet; thence east two hundred forty-two (242) feet to the east line of Lot 51, Township 9, Range 7, being also the center of McKinley Parkway; thence northerly along the east line of said Lot 51, and along the center of McKinley Parkway a distance of three hundred fourteen and four tenths (314.4) feet to a point, thence westerly at an interior angle of ninety degrees, sixteen minutes (90 16'), a distance twenty-eight (28) feet; thence north parallel with the east line of Lot No. 51 and twenty-eight (28) feet west there from two thousand one hundred nineteen and three tenths (2119.3) feet; thence westerly a distance of five (5) feet to the westerly line of McKinley Parkway; thence northerly along the westerly line of McKinley Parkway three hundred (300) feet to a point; thence easterly at an angle of ninety degrees twenty minutes (90 20') a distance of thirty-three (33) feet to the center line of McKinley Parkway, said center line being the east line of Lot No. 51 Township 9, Range 1; thence northerly along said easterly line of Lot No. 51, a distance of nine hundred three and four hundredths (903.04) feet to the southerly line of lands conveyed to Corthell Towles and recorded in the Erie County Clerk's Office in Liber 4528 of Deeds at page 126; thence westerly along the southerly line of Corthell Towles and the southerly line of lands conveyed to John M. Towles, Jr. and Corthell Towles and recorded in the Erie County Clerk's Office in Liber 3711 of Deeds at page 73, and along the southerly line of lands conveyed to John M. Towles, Jr. and Corthell Towles and recorded in the Erie County Clerk's Office in Liber 5009 of Deeds at page 542, a distance of twenty-eight (28) feet to a point which is five (5) feet east of the west line of McKinley Parkway; thence northerly and parallel with the center line of McKinley Parkway a distance of one thousand sixteen (1016) feet to a point, which point is five (5) feet north of the south line of Clark Street; thence southwesterly and parallel with the center line of Clark Street, a distance of approximately two thousand one hundred eighty-seven twenty-five hundredths (2187.25) feet to a point; thence northwesterly a distance of sixty-one (61) feet to the northwesterly line of Clark Street; thence southwesterly along the northwesterly line of Clark Street a distance of eight hundred seventy-

seven and ninety-seven hundredths (877.97) feet to the intersection of the northwesterly line of Clark Street and the east line of lands conveyed to the Buffalo and Susquehanna Railroad Company by Deed recorded in the Erie County Clerk's Office in Liber 980 of Deeds at page 608; thence northerly along the east line of said lands conveyed to the Buffalo and Susquehanna Railroad Company a distance of one hundred ninety-seven and thirty-two hundredths (197.32) feet to a point; thence southeasterly at an exterior angle of forty degrees fifty-three minutes (40 53') a distance of fifteen and twenty-eight hundredths (15.28) feet to a point; thence north at an interior angle of forty degrees fifty-three minutes (40 53') along a line parallel to and ten (10) feet distance from the easterly right-of-way line of the said Buffalo and Susquehanna Railroad a distance of two hundred sixteen and ninety-eight hundredths (216.98) feet to a point; thence westerly at an interior angle of ninety degrees sixteen minutes (90 16') a distance of ten (10) feet to a point on the east line of said Buffalo and Susquehanna Railroad; thence north along the said east line of the Buffalo and Susquehanna right-of-way to the north line of Lot 51, Township 9, Range 7, of the Holland Land Company's Survey; thence west along the said north line of Lot 51, a distance of sixty-six (66) feet to the west line of the Buffalo and Susquehanna Railroad right-of-way; thence south along the said west line of the Buffalo and Susquehanna right-of-way a distance of three hundred seventy-five and four hundredths (375.04) feet to the south line of lands conveyed to the Village of Blasdell by Deed recorded in the Erie County Clerk's Office in Liber 991 of Deeds at page 285; thence westerly along the south line of said lands conveyed to the Village of Blasdell a distance of four hundred twenty-four and seventy-five hundredths (424.75) 14 feet to a point; thence southerly and parallel with the east line of South Park Avenue a distance of one hundred fifty (150) feet to a point; thence westerly at an angle of ninety degrees (90 ) with the last mentioned line a distance of one hundred seventy-five (175) feet to the east line of South Park Avenue; thence southerly along the east line of South Park Avenue, a distance of five hundred seventy-eight and four tenths (578.04) feet; thence easterly along a line parallel with the south line property conveyed to David M. Hannah and Gerard A. Braun by Deed recorded in the Erie County Clerk's Office in Liber 6252 at page 630, extended and seven (7) feet northerly therefrom a distance of one hundred seventy-five (175) feet; thence southerly at an exterior angle of ninety degrees fifty- seven minutes two seconds (90 57'02") a distance of seven (7) feet; thence easterly at an interior angle of ninety degrees fifty-seven minutes two seconds (90 57'02"), a distance of twelve (12) feet; thence southerly parallel with the east line of South Park Avenue and a distance one hundred eighty-seven (187) feet easterly therefrom a distance of one hundred eighty-six and thirty-five hundredths (186.35) feet to the north line of the Village of Hamburg as extended December 17, 1917; thence west one hundred eighty-seven (187) feet to the east line of South Park also known as Buffalo Street; thence south on the east line of Buffalo Street, one hundred fifty and seventeen hundredths (150.17) feet; thence westerly along the northerly line of Maplewood Subdivision extended easterly a distance of thirty-three (33) feet to a point on the center line of South Park Avenue; thence northerly along the said center line of South Park Avenue three hundred eleven and seventy-four hundredths (311.74) feet to a point; thence westerly to a point two hundred sixty-two and twenty-five hundredths (262.25) feet west of the center of South Park Avenue and one hundred twenty-four and ninety-one hundredths (124.91) feet north of the north line of Legion Drive; thence southerly one hundred fifty-seven and ninety-one hundredths (157.91) feet to a point in the center line of Legion Drive and two hundred twenty-five (225) feet west of the west line of South Park Avenue; thence easterly along the center line of Legion Drive to a point two hundred eight (208) feet west of the center line of South Park Avenue; thence southerly and parallel with said center line of South Park Avenue a distance of thirty-three (33) feet to the southerly line of Legion Drive; thence westerly along the southerly line of Legion Drive a distance of five hundred twenty-five and eighty-four hundredths (525.84) feet to the intersection of the said southerly line of Legion Drive with the northwesterly line of Division Street; thence northeasterly along the northwesterly line of Division Street extended and along the northwesterly line of Division Street a distance of one hundred thirty-eight and six tenths (138.6) feet to a point; thence northerly along the west line of Division Street seven hundred seventy-

eight and six tenths (778.6) feet to a point; thence east fifty (50) feet to the point of intersection of the north line of Norway Place and the east line of Division Street; thence northerly along a line parallel with and five hundred forty (540) feet west of the east line of Lot 4, Township 9, Range 8, a distance one hundred eighty-three (183) feet to the south line of Lot 4, Township 9, Range 8, thence east five hundred forty (540) feet to the southeast corner of Lot 4; thence north along the east line of Lot 4, said east line also being the center line of South Park Avenue, a distance of three hundred (300) feet to a point on the east line of Lot 4, thence west five hundred forty (540) feet to the east line of Division Street, thence north along a line parallel with five hundred forty (540) feet west of the east line of Lot 4, a distance of three hundred (300) feet to a point; thence westerly along a line parallel with and six hundred (600) feet north of the south line of the said Lot 4, Township 9, Range 8, a distance of one thousand one hundred forty-three (1,143) feet to a point on the west line of lands conveyed to the County of Erie by Deed recorded in the Erie County Clerk's Office in Liber 2295 of Deeds at page 321; thence southerly along the said west line of lands conveyed to the County of Erie, a distance of six hundred (600) feet to a point on the south line of Lot 4, Township 9, Range 8; thence easterly along the said south line of Lot 4, Township 9, Range 8, a distance of thirteen (13) feet to the place of beginning.

No additional capital improvements are proposed to be, constructed and no additional capital costs are to be incurred by or on behalf of the Erie County Sewer District No.3 with respect to the extension of the boundaries of such District and the acquisition of the existing sanitary sewer facilities, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

Hook up fees are currently \$200 per home for a lateral hook-up, \$200 per home for inspections associated with subdivisions and a \$2 permit fee at the time of connection. The annual cost of the extension to the typical property is \$262.

Dated: Buffalo, New York,

\_\_\_\_\_, 2004.

BY ORDER OF THE COUNTY LEGISLATURE  
OF THE COUNTY OF ERIE, NEW YORK

By

\_\_\_\_\_  
Kevin M. Kelley  
Clerk, County Legislature

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in Hamburg Sun and in Front Page, the official newspapers of said County, not less than ten nor more than twenty days before the date set herein for said public hearing.

Section 4. This resolution shall take effect immediately.

(5-0)

3. Item Page -2004 (Comm. 4E-21)

**COUNTY EXECUTIVE**

WHEREAS, it has been determined that it may be necessary to commence Eminent Domain Proceedings to acquire the necessary easements and/or fee interest for the installation of gravity sewers to eliminate the Greenmeadow Sewage Pumping Station.

NOW, THEREFORE, BE IT

RESOLVED, that the County Attorney be authorized and is hereby directed to commence Eminent Domain Proceedings pursuant to Chapter 839 of the Laws of 1977 to acquire easement and/or fee interest for sewer purposes in connection with the lands listed below:

<u>ECSD NO.</u>	<u>PARCEL NO.</u>	<u>TOWNSHIP</u>
3	185.13-1-1.1	Orchard Park
3	185.13-1-2.2	Orchard Park
3	185.13-1-24.1	Orchard Park
3	185.13-1-18	Orchard Park
3	185.13-1-25	Orchard Park

and be it further

RESOLVED, that certified copies of this resolution be sent to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning, Nancy A. Naples, County Comptroller and Gregory Dudek, Assistant County Attorney.  
(5-0)

4. Item Page -2004 (Comm. 22E-27)

**COUNTY EXECUTIVE**

WHEREAS, the 2003 Capital Budget contains funding for Erie County Parks and Recreation Master Plan Improvements, and

WHEREAS, the firm of LiRo Kassner, Inc. is already engaged by the Department of Parks and Recreation through the Department of Public Works under an Engineering contract, and

WHEREAS, on December 12, 2002, at Meeting Number 25, Communication Number 25E-24, your Honorable Body authorized the County Executive to enter into an engineering contract covering General Highway/Bridge Engineering Services with LiRo Kassner, Inc., and

WHEREAS, on February 19, 2004, at Meeting Number 5, Communication Number 4E-59 (2004), your Honorable Body authorized the County Executive to issue a Supplemental Agreement to LiRo Kassner, Inc. to prepare contract documents and provide inspection services for the Erie County Parks and Recreation Chestnut Ridge Park Bridge, and

WHEREAS, since forensic testing at Chestnut Ridge Park Bridge revealed unanticipated severe deterioration of the existing concrete walls, which caused a change in the scope of the project and unforeseen environmental issues with the New York State Department of Environmental Conservation, State Historic Preservation Office, and U.S. Army Corps of Engineers, lengthened the design process and caused extra work to be performed, it is desired to issue a Change Order to LiRo Kassner, Inc. for this unanticipated extra work,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a Change Order to LiRo Kassner, Inc. for an amount not to exceed \$39,000.00 for unanticipated extra work caused by severe deterioration of the existing concrete walls which changed the scope of the project and unforeseen environmental issues which lengthened the design process for Erie County Parks and Recreation Chestnut Ridge Park Bridge, and be it further,

RESOLVED, that the fee allocation be taken from SAP A.09020, 2003 Parks Master Plan, Phase 1 Program, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner and one copy each to the County Executive; the Division of Budget Management and Finance; the Office of the Comptroller; and to the Department of Parks and Recreation.

(5-0)

5. Item Page -2004 (Comm. 20E-28)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning (DEP) provides technical assistance to municipalities to assist them in complying with environmental regulations; and

WHEREAS, the 2004 Erie County Budget includes a capital project entitled Stormwater Outfall Mapping/GIS Enhancements in the amount of \$109,200; and

WHEREAS, the State of New York, through its Department of Environmental Conservation (NYSDEC), has provided \$500,000 in financial support for Phase II Stormwater Implementation Projects in Western New York; and

WHEREAS, the required County match will be met through indirect expenses and in-kind contributions from Erie County staff and municipal representatives; and

WHEREAS, it is necessary to hire staff and contract for consultant services in order for the County to meet its contractual obligations with New York State that are associated with the grant agreement; and

WHEREAS, the current grant funding for an existing Solid Waste Recycling Specialist (JG XII) is expiring and this position needs to be created under the new project budget to continue the County employment of this individual; and

WHEREAS, this position adjustment is reflected on B-100 position authorization form, Control Number 0000000404, in the SAP system; and

WHEREAS, in accordance with Section 19.08 of the Erie County Administrative Code, the Department of Environment and Planning solicited proposals and selected a contractor to perform GIS mapping services necessary for compliance with the State Stormwater Phase II requirements.

NOW, THEREFORE BE IT

RESOLVED, that the following position be created within the 2004 Erie County Budget Capital Project Account No. A.000251, Stormwater Outfall Mapping/GIS Enhancements:

Solid Waste Recycling Specialist (JG-XII)

and be it further

RESOLVED, that the County Executive is authorized to enter into an agreement with Bergmann Associates for an amount not to exceed \$80,000 to perform GIS Mapping services, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget, Management and Finance; the Commissioner of Personnel, Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.  
(5-0)

6. Item Page -2004 (Comm. 22E-31)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature had awarded Contract No. 23 to Tom Greenauer Development, Inc. for the Erie County Sewer District No. 1 Hyland Avenue Pump Station Elimination and Gravity Sewer Project; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 23 in the final contract amount of \$215,356.55 which includes Change Order No. 1 (final), a decrease of \$16,763.75, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 23 between the County of Erie and Tom Greenauer Development, Inc., P.O. Box 250, Springbrook, New York 14140 is accepted in the amount of \$215,356.55, which includes Change Order No. 1(final), a decrease of \$16,763.75, and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 23 between the County of Erie and Tom Greenauer Development, Inc. in the amount of \$215,356.55 and release all retention and make final payment from Erie County Sewer District No. 1 Bond Account C.00032 (430-694); and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra; one certified copy to John S. Rizzo, Deputy Comptroller, Erie County Comptroller Office; one certified copy to Gregory Dudek, Assistant County Attorney and two (2) certified copies to Charles J. Alessi, P.E., Department of Environment and Planning.

(5-0)

**AS AMENDED**

7. Item Page -2004 (Intro. 22-4)  
**RANZENHOFER, CUSACK, CHASE, SWANICK, McCARVILLE, KUWIK, MARINELLI, DUSZA & DEBENEDETTI**

WHEREAS, homeownership, which has always been part of fulfilling the American Dream is at a thirty-year high, and

WHEREAS, the high level of homeownership is in part because many mortgage products are currently offered to low and moderate income homebuyers who don't have the standard 20% down payment for the purchase of a house, and

WHEREAS, most lenders require a home buyer who makes a down payment of less than 20% to pay monthly mortgage insurance premiums, and

WHEREAS, the mortgage insurance premiums, which benefit only the lender, are the functional equivalent of monthly mortgage interest payments, despite the fact that the IRS currently rules that they are nondeductible, and

WHEREAS, under the current tax code, consumers who can afford to make substantial down payments get to deduct all the interest payments on their mortgages up to a principal balance ceiling of \$1.1 million, but first-time buyers and moderate income households who don't have much money for a down payment typically must pay the nondeductible and often large monthly mortgage insurance premiums, and

WHEREAS, legislation before the United States Senate and House of Representatives (S. 846/HR. 1336) would amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance, and

WHEREAS, the "Mortgage Insurance Fairness Act" has attracted wide support because it focuses attention on an inequity in federal tax policy toward moderate income home buyers, and

WHEREAS, passage of this legislation would allow the estimated 12 million-plus homeowners who pay mortgage insurance premiums to deduct them on their federal tax returns, just as they write off mortgage interest payments now, and

WHEREAS, passage of this legislation would encourage homeownership by correcting the current inequity in the tax code,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is committed to further enhancing the opportunities for home ownership, and be it further

RESOLVED, that this Honorable Body supports the “Mortgage Insurance Fairness Act,” (S.846/HR. 1336) and asks the United States Senate, House of Representatives and President to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance, as is currently done with mortgage interest payments, and be it further

RESOLVED, that certified copies of this resolution be forwarded to United States President George Bush, Senate President Pro Tempore Ted Stevens, Senate Majority Leader Bill Frist, Senate Minority Leader Tom Daschle, Speaker of the House of Representatives Dennis Hastert, House of Representatives Majority Leader Tom DeLay, House of Representatives Minority Leader Nancy Pelosi, United States Senator Hillary Clinton, United States Senator Charles Schumer, Congressman Thomas Reynolds and Congresswomen Louise Slaughter.

Fiscal Impact: None  
(5-0)

**RAYMOND K. DUSZA**  
**CHAIRMAN**